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C O N F I D E N T I A L SECTION 01 OF 02 YEREVAN 000649

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TAGS: [PHUM](#) [PGOV](#) [AM](#)

SUBJECT: WITNESS DIES DURING INTERROGATION

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Classified By: Poloff Masha Herbst for reasons 1.4 (b, d).

SUMMARY

¶1. (C) On May 12 Levon Ghulyan died under controversial circumstances while being questioned by the police as a presumed witness of a deadly gunfight on May 9 near the restaurant he owned. The police initially claimed that, during the interrogation, Ghulyan fell to his death while trying to escape through the police headquarters, second story window. Ghulyan's family and human rights activists, however, say he was tortured to death by police interrogators. The Yerevan police have begun an internal investigation into the circumstances of Ghulyan's death, and the city prosecutor has launched a criminal case for possible "inducement to suicide," which concerns us for seeming to pre-exclude the possibility of outright homicide. The family's initial attorneys have stepped down from the case, possibly under intimidation. The government's human rights ombudsman has made an inquiry, and we have pressed him to probe deeper into the matter, as are we. END SUMMARY.

ACCIDENTAL DEATH?

¶2. (SBU) Levon Ghulyan, 31, owned a restaurant in Yerevan's southern Shengavit district. A man had been shot dead near the establishment May 9. Ghulyan's relatives told the press that, between May 9 and May 12, the police had repeatedly summoned Ghulyan to provide evidence, and had kept him for over 24 hours at times. The relatives said that Ghulyan's status -- whether as a witness or a defendant) was unclear. Police released him on May 12 to vote in the parliamentary elections, instructing him to return later. According to media reports, Ghulyan dropped by his house and then voted at a polling place before returning to the police station around 1 p.m. He was then transferred to the National Police Service station in downtown Yerevan. His family was notified at 5 p.m. that day that he had died.

¶3. (SBU) Another witness of the May 9 shooting, Hayk Melkumyan, who is a bartender at Ghulyan's restaurant, told the press the police had called him to the station as well, detaining him for two days. He said that both he and Ghulyan were savagely beaten by interrogators who demanded evidence they did not have. Melkumyan told reporters that he was not provided with water during the two-day detention, and that, during the interrogation, police officers told him that

"very important" people were interested in the case.

14. (SBU) After Ghulyan's death, the police released a statement saying that he had requested water, and when his interrogator went to get it, he tried to escape, falling to his death. Ghulyan's family members, as well as human rights activists, said they did not believe this version of events, arguing that Ghulyan was bruised when he came home between interrogations, that he had submitted to the questioning voluntarily, and that his body was found in an enclosed, fenced yard, which would have made his escape impossible had he not died from the fall. Family members told the press they suspected the interrogators accidentally tortured him to death, and threw his body out the window to stage a suicide or escape attempt. Ghulyan's remains have been returned to the family, who tell us of their intention to have a second, independent autopsy done before burying him. The results of the first autopsy, conducted by authorities, have not yet been released.

OFFICIALS APPEAR TO RULE OUT HOMICIDE

15. (SBU) In response to media coverage of the case, police spokesman Saat Shirinyan announced during a May 16 press conference that Police Chief Hayk Harutyunyan had ordered an internal investigation and the prosecutor's office had launched a criminal case into the circumstances of Levon Ghulyan's death. The prosecutor's criminal case reportedly hinges on a provision of the law that criminalizes inducing a person to commit suicide. Shirinyan promised that any law enforcement official found guilty would be punished, but did not elaborate. Ghulyan's relatives appealed to Prime Minister Serzh Sargsian as well, who also promised that the case would be investigated.

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16. (C) Ombudsman Armen Harutyunyan's office has asked Prosecutor General Aghvan Hovsepyan to supervise the investigation personally. During a conversation with Harutyunyan at a May 17 reception, he told us that he had submitted an inquiry to the Prosecutor General on the case, but that he had not heard back. We told him we were concerned that, because the case was being investigated as a suicide, investigators had ruled out the possibility of homicide prematurely. We pressed him to raise this concern with the Prosecutor General, and after some protest that he had no power to force an answer, he agreed to communicate that concern to the PG's office on May 18.

17. (C) Former ombudsman Larisa Alaverdyan has publicly denounced the case as one of police brutality. (NOTE: Alaverdyan is now an opposition politician, currently in line for a parliamentary seat, as she is number 2 on the Heritage Party list. END NOTE.) In a conversation with us, she confirmed reports that three lawyers had refused to represent the family in the matter, saying that they were afraid of repercussions. One of the lawyers, Narine Rshtuni, told Embassy local staff that she had simply decided not to represent the family in the next phase of proceedings. She did not elaborate. We have since heard that a new attorney has agreed to take the case. Writings on a Web site of unknown origin devoted to Ghulyan (www.levon-gulyan.info) claim that reporters covering this case have received anonymous threat calls.

COMMENT

18. (C) The police department's official story about Ghulyan's death seems suspicious. Ghulyan was not a famous or controversial figure, and the police do not appear to have

had a motive to murder him intentionally. The possibility remains that he was accidentally beaten to death and then thrown out the window in an attempted cover-up. The prosecutor's decision to investigate the case as one of "inducement to suicide," however, seems to rule out this scenario altogether. Poloff, Polchief and CDA have raised this issue with the ombudsman, the Prosecutor General's staff and officials at the MFA. They are aware that we are concerned, and that we are watching.

GODFREY